

REMARKS

Reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 7-22 were pending prior to the Office Action. Claims 10-11, 15-19 and 21-22 are canceled and claims 23-35 are added through his Reply. Thus, claims 7-9, 12-14, 20 and 23-35 are pending. Claims 7, 8, 9 and 26 are independent.

§ 103 REJECTION – TAKEMURA

Claims 8-13, 15-18 and 21-22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takemura (U.S. Patent 6,657,658). The rejection with respect to claims 10-11, 15-18 and 21-22 are rendered moot. With respect to claims 8-9 and 12-13, Applicants respectfully traverse.

Independent claim 8 recites, in part “wherein the image property setting device and the signal processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data to produce a new processed image data in accordance with the correspondingly changed image property parameter until the user is satisfied, the new processed image data being stored in the second buffer and an image represented by the new processed image data is displayed

on the display” and “wherein when the user is satisfied, the compression device compresses image data corresponding to the processed image data read from the second buffer and the recording device stores the compressed image data in the recording medium.” In the invention as claimed, the signal processing device repeatedly processes the unprocessed image data read out from the unprocessed data storing device into a processed image data until the user is satisfied. When the user is satisfied, the processed image data is compressed and stored in a recording medium.

In contrast, Takemura stores unprocessed image data (defined as being in “pre-process state”) together with “finish information” needed for processing the data. In other words, Takemura only discloses storing original data **without** processing.

Since Takemura’s configuration includes “finish information” and the “unprocessed image data” separately, a post-processing (i.e. image processing) the unprocessed image data is required using the separately recorded finish information, for example to print the image. This causes problems such as increase in post-processing time and a need to add functions for post-processing into printers and software, which lead to higher cost.

In the claimed invention, the processing of the unprocessed image data is repeatedly carried out in the camera according to the change in the image

property setting until the user is satisfied. When the user is satisfied, the processed image data is compressed and stored in the recording medium. The claimed invention has the benefit of not requiring separate post-processing, having shorter processing time, and avoiding costs. It is clear that Takemura cannot teach or suggest all features as recited in claim 8. This is sufficient, by itself, to distinguish claim 8 over Takemura.

The following is also noted. The Examiner admits that Takemura does not specifically teach the first buffer as recited in claim 8. However, the Examiner attempts to address this deficiency with a mere conclusory statement that the first buffer is inherent. Takemura merely indicates that the image data obtained by the image taking means 101 is displayed as a visible image on the monitor 11 by the display/confirmation means 102. *See Figure 6; column 8, lines 30-32.* Apparently, the Examiner appears to be under the impression that the image data from the image taking means must always be first put into a buffer before it is displayed on the monitor 11. This is but one of many ways that an image from the image taking means may be displayed. For example, another way is that the monitor directly receives the image data from the image taking means to be displayed on the monitor without the necessity of the intervening buffer.

MPEP clearly states “the fact that a sudden result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” *See MPEP 2112*. Because the Examiner did not establish that the results achieved in Takemura can only occur with a buffer present, the Examiner’s assertion of inherency regarding the first buffer fails.

The Examiner also recognizes that Takemura does not disclose a second buffer as recited. However, the Examiner alleges that the second buffer is “implicit” when reproducing processed image data on the monitor. In other words, the Examiner is alleging that the second buffer is also inherent. Again, the Examiner fails to demonstrate that the presence of the second buffer is the only way that such results can be achieved. Therefore, the Examiner’s assertion of inherency regarding the second buffer also fails.

Further, the Examiner admits that Takemura does not disclose repeatedly querying the user, changing the image property settings, and processing the unprocessed image repeatedly until the user is satisfied. However, the Examiner merely takes Official Notice that such is well known. Applicants respectfully challenge the Official Notice taken by the Examiner, and request that adequate documentary evidence be provided to support the

Examiner's allegation. For at least the above stated reasons, claim 8 is distinguishable over Takemura.

Claim 9 recites, in part "repeating the querying and processing steps until the user indicates satisfaction" and "compressing the processed image data and storing the compressed image data in a recording medium when the user indicates satisfaction." Similar to independent claim 8, the invention as claimed in claim 9 also repeatedly process unprocessed image data based on changes to imaging parameters. When the user is satisfied, the processed image data is compressed and saved to a recording medium.

It is clearly demonstrated above that Takemura cannot teach or suggest at least these features. For at least this reason, claim 9 is distinguishable over Takemura. Claims 12-13 depend from claim 9 directly or indirectly. Due to at least the dependency thereon, claims 12-13 are also distinguishable over Takemura.

Applicants respectfully request that the rejection of claims 8-13, 15-18 and 21-22 based on Takemura be withdrawn.

§ 103 REJECTION – TAKEMURA, SHINSKY

Claims 7, 14 and 19-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takemura in view of Shinsky et al. (U.S.

Patent 6,285,398). The rejection with respect to claim 19 is rendered moot. With respect to claims 7, 14 and 20, Applicants respectfully traverse.

Independent claim 7 recites, in part “wherein the image property setting device and the signal processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data to produce a new processed image data in accordance with the correspondingly changed image property parameter until the user is satisfied, an image represented by the new processed image data is displayed on the display” and “wherein when the user is satisfied, the compression process device compresses image data corresponding to the processed image data displayed on the display and the recording device stores the compressed image data in the recording medium.”

As claimed in independent claim 7, the signal processing device repeatedly processes the unprocessed image data read out from the unprocessed data storing device into a processed image data until the user is satisfied. The processed image data is compressed and stored in a recording medium when the user is satisfied. It is clearly demonstrated above that Takemura cannot teach or suggest at least the above-recited features.

In addition, the Examiner merely makes conclusory statements that the unprocessed data storing device is inherent and takes Official Notice that repeatedly query for changes and processing the unprocessed image data based on the changes is well known. As demonstrated above, the Examiner's assertion of inherency fails since the Examiner did not demonstrate that the result achieved can only be accomplished through the unprocessed data storing device. Further, Shinsky is not relied upon to correct for at least the above-noted deficiencies of Takemura. Applicant also challenges the Official Notice taken by the Examiner. For at least the above-stated reasons, independent claim 7 is distinguishable over the combination of Takemura and Shinsky.

Claims 14 and 20 depend from independent claim 9 directly or indirectly and it is demonstrated above that claim 9 is distinguishable over Takemura. Shinsky is not relied upon to correct for at least the above-noted deficiencies of Shinsky. Thus, claim 9 is distinguishable over the combination of Takemura and Shinsky. Then, for at least due to the dependency thereon, claims 14 and 20 are also distinguishable over the combination of Takemura and Shinsky.

Further, it is noted that Shinsky teaches away from the claimed invention and therefore, is not combinable. Shinsky is directed toward capturing, transmitting, and manipulating video data. Shinsky specifically

contemplates connecting a video camera via a cable connection such as USB to a host computer system. *See Figure 3.* Shinsky specifically states “the video camera does not include a digital signal processing circuit for processing the raw video data into the appropriate video format.” *See column 3, lines 37-39.* As illustrated in Figure 4 of Shinsky, the video camera merely captures the raw video data and transfers the raw data to the host. On the host, the actual processing of the image data such as brightness and contrast control 322 and shutter control 326 are actually carried out on the host computer system.

Such system addresses the problem identified by Shinsky. More specifically, Shinsky indicates that it is desirable to minimize the size and weight of the video camera. However, requiring the processing of the video data to be completed within the camera 10 undesirably increases the size of the video camera and its weight. *See Shinsky, column 3, lines 16-24.* In other words, Shinsky specifically teaches away from including any type of image processing capabilities within the camera. As such, there is no motivation to combine Shinsky with Takemura and any rejection based on Takemura and Shinsky cannot stand.

For at least the above-stated reasons, Applicants respectfully request that the rejection of claims 7, 14 and 19-20 based on Takemura and Shinsky be withdrawn.

NEW CLAIMS

Claims 23-35 are added through this Reply. All new claims are believed to be distinguishable over the cited references individually or in any combination thereof. Applicants respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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